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8 FACEBOOK, INC.

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION  
12

13 FACEBOOK, INC.,

14 Plaintiff,

15 v.

16 POWER VENTURES, INC., a Cayman Island  
corporation; STEVE VACHANI, an individual;  
17 DOE 1, d/b/a POWER.COM, DOES 2-25,  
18 inclusive,

19 Defendants.

Case No. 5:08-cv-05780 JW (JCS)

**[PROPOSED] ORDER DENYING  
DEFENDANT POWER VENTURES,  
INC.'S MOTION FOR  
RECONSIDERATION OF DEFAULT,  
AND GRANTING PLAINTIFF  
FACEBOOK, INC.'S CROSS-  
APPLICATION FOR DEFAULT  
JUDGMENT**

1 The matters before the Court are the Motion for Reconsideration of Order Entering  
 2 Default as to Defendant Power Ventures, Inc., and Plaintiff Facebook, Inc.'s Cross-Application  
 3 for the Entry of Default Judgment Against Power Ventures Inc. For the reasons set forth herein,  
 4 the Court finds that Power Ventures has not offered good cause within the meaning of Fed. R.  
 5 Civ. P. 55(c) to set aside default judgment, and that default judgment against Power Ventures is  
 6 warranted. Having reviewed the moving and opposing papers and supporting declarations filed  
 7 with the Court, and having heard the arguments of counsel, **IT IS HEREBY ORDERED THAT:**

8 The Court **DENIES** the Motion for Reconsideration of Order Entering Default as to  
 9 Defendant Power Ventures, Inc.

10 The Court **GRANTS** the Cross-Application for Entry of Default Judgment Against  
 11 Defendant Power Ventures, Inc. filed by Plaintiff Facebook, Inc. Accordingly, **DEFAULT**  
 12 **JUDGMENT** is entered in favor of Facebook, Inc. against defendant Power Ventures, Inc. as  
 13 follows:

14 Statutory damages in the amount of \$18,188,100.00 in damages are awarded in favor of  
 15 Plaintiff Facebook, Inc. against Defendant Power Ventures, Inc. for violations of the CAN-SPAM  
 16 Act. The award of statutory damages includes treble damages pursuant to 15 U.S.C. § 7706(f) for  
 17 Power Ventures' aggravated violations of the CAN-SPAM Act.

18 Damages in the amount of \$80,543.00 are awarded in favor of Facebook, Inc. against  
 19 Defendant Power Ventures, Inc. for violations of the Computer Fraud and Abuse Act, and  
 20 California Penal Code § 502. Although the Court finds that Facebook, Inc. has presented  
 21 substantial evidence that it is entitled to punitive damages on these claims, the Court accepts  
 22 Facebook, Inc.'s waiver of its right to recover such damages.

23 Facebook, Inc. is entitled to its reasonable attorneys fees pursuant to the CAN-SPAM Act,  
 24 § 7706(g)(4) and California Penal Code § 502(e)(2) in an amount to be established through  
 25 declarations complying with Local Rule 54-6(b)(2) and (b)(3), to be filed with the Court no later  
 26 than thirty (30) days after this Order; plus costs of suit. Facebook shall notify the Court by the  
 27 deadline set herein if it intends to seek such costs or attorneys fees.

1 Facebook, Inc. is entitled to a permanent injunction pursuant to Rule 65 of the Federal  
2 Rules of Civil Procedure against Defendant Power Ventures, Inc. pursuant to 15 U.S.C. §  
3 7706(g)(1), 18 U.S.C. § 1030(g), and California Penal Code § 502(e)(1). Facebook shall submit  
4 the proposed form of its Permanent Injunction within thirty (30) days of this Order.

5 **IT IS SO ORDERED.**

6  
7 Dated:

By: \_\_\_\_\_  
Honorable James Ware  
United States District Court Chief Judge